



02 OCT 2006

OLIFF & BERRIDGE, PLC  
P.O. Box 19928  
Alexandria, VA 22320

In re Application of :  
SHIELDS, Paul William :  
Application No.: 10/501,835 :  
PCT No.: PCT/GB2003/004719 :  
Int. Filing Date: 31 October 2003 :  
Priority Date: 01 November 2002 :  
Attorney Docket No.: 120252 :  
For: A SYSTEM AND A METHOD FOR :  
ACCESSING AND UPDATING :  
INFORMATION STORED IN A :  
CENTRAL LOCATION BY A REMOTE :  
WORKER :

**DECISION**

This is a decision on the petition under 37 CFR 1.181 filed 19 September 2006.  
No fee is required.

**BACKGROUND**

On 16 June 2004, applicant filed papers to enter the national stage of  
PCT/GB2003/004719.

On 05 August 2004, applicant purportedly filed an executed declaration for the  
subject application. These papers were not located in the file.

On 04 November 2004, a Notification of Missing Requirements Under 35 U.S.C.  
371 in the United States Designated/Elected Office (DO/EO/US) (Form  
PCT/DO/EO/905) was mailed indicating that an executed declaration was required.

On 15 December 2004, applicant submitted a declaration in compliance with 37  
CFR 1.497(a) and (b).

On 05 January 2005, a Notification of Acceptance of Application Under 35  
U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) was mailed indicating that applicant  
completed all 35 U.S.C. 371(c) requirements on 15 December 2004. A filing receipt  
indicating a 371(c) date of 15 December 2004 was also mailed.

On 26 January 2005, a request for correction of PALM records was filed.

On 26 September 2005, a request for a corrected filing receipt was mailed.

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On 23 March 2006, a second request for a corrected filing receipt was mailed.

On 19 September 2006, applicant submitted via facsimile the subject petition along with a copy of an executed declaration and the date-stamped postcard receipt for documents purportedly filed 05 August 2004.

### **DISCUSSION**

Applicant claims that a declaration was originally submitted on 05 August 2004 in the above-captioned application and requests a corrected filing receipt. These papers were not located in the file.

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Applicant provided a copy of a date-stamped postcard receipt for documents submitted on 05 August 2004. The postcard receipt identified the application by the applicant name and docket number. The postcard receipt indicates that a "DEC, Desig 10 Attys" were received in the USPTO. The postcard receipt is stamped "OIPE AUG 05 2004" across its face. Moreover, applicant provided a copy of the documents filed 05 August 2004. This is sufficient to meet the requirements of the MPEP.

Accordingly, applicant has provided *prima facie* evidence that an executed declaration was originally filed 05 August 2004.

### **CONCLUSION**

Applicant's petition under 37 CFR 1.181 is hereby **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt mailed 05 January 2005 are both **VACATED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for the mailing of a corrected Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt indicating a date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4)

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requirements of 05 August 2004.

A handwritten signature in black ink, reading "James Thomson". The signature is written in a cursive style with a large, stylized "J" and "T".

James Thomson

Attorney Advisor

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